



**NEW YORK CITY
BOARD OF CORRECTION**

November 21, 2022 PUBLIC MEETING MINUTES

ATTENDEES

MEMBERS PRESENT¹

Joseph Ramos, Acting Chair
Robert L. Cohen, M.D. Member
Felipe Franco, Member
Jacqueline Pitts, Member
Freya Rigterink, Member
Dwayne C. Sampson, Member
Jacqueline Sherman, Esq., Member

Melissa Cintrón Hernández, Esq., Deputy General Counsel

DEPARTMENT OF CORRECTION

Louis Molina, Commissioner
Joseph Dempsy, Senior Deputy Commissioner of Operations
Lynelle Maginley-Liddie, First Deputy Commissioner
Kat Thompson, Chief of Staff
Manual J. Hernandez, Deputy Commissioner
Paul Shechtman, General Counsel
Allie Robertson, Executive Director of Intergovernmental Affairs
C. Daley, Investigator
William Aviles
Marilyn Calleja
David Lopez
Kamaal Moore
Mark Pauley
Roddy Richardson
James Stantu
Myshel Wimberly

¹ Board Member Cohen attended the meeting remotely due to illness.

NYC HEALTH + HOSPITAL – CORRECTIONAL HEALTH SERVICES (CHS)

Patsy Yang, DrPH, Senior Vice President

Jeanette Merrill, MPH, Director of Communications, and Intergovernmental Affairs

Carlos Castellanos, Chief Operations Officer

Bipin Subedi, MD, Chief Medical Officer

Nancy Arias, Chief Nursing Officer

Nicole Levy, Deputy Director of Communications, and Intergovernmental Affairs

CORRECTIONAL OFFICERS' BENEVOLENT ASSOCIATION (COBA)

Keisha Williams, 3rd Vice President

Lionel Cumberbatch, Financial Secretary

Matthew Romano, Bronx Borough Trustee

Charles J. Wingate, Manhattan Borough Trustee

OTHERS IN ATTENDANCE

Cynthia Acevedo, Freedom Agenda

Christopher Boyle, NYCDS

America Canas, Mayor's Office of Criminal Justice

Leah Favia, WCJA

Michelle Feldman, Women's Community Justice

Alec Joachim, Office of Counsel Rivera

Serria Holman, Vocal NY

Alex Krakes, CUNY

Richenda Kramer, HALT

Darren Mack, Freedom Agenda

Elvin Almodova

Eileen Maher, Vocal NY

Alison Mattessich, Urban Justice Center

Jennifer Parish, Urban Justice Center/HALT

Chaplain Dr. Victoria A. Phillips, Jails Action Coalition

Nick Pinho, Hell Gate

Anne Pruden, Tenants Union

Anisah Sabuv, HALT

Rachel Snajderman, NYCDS

Todd Vassel, Bronx Defenders

Introductions/Approval of October 18, 2022 Minutes

Executive Director Amanda Masters was unable to attend the meeting due to illness. Deputy General Counsel Melissa Cintrón Hernández ("DGC Cintrón Hernández") attended in her place. Board Members and Department of Correction staff introduced themselves. AC Ramos addressed the resignation of former Board of Correction Acting Chair Julio Medina, wishing him well and thanking him for his service to the Board.

AC Ramos asked for a motion to approve the draft minutes of the October 18, 2022 meeting. The minutes were unanimously approved. Watch this portion of the video [here](#).

Opening Remarks/Announcements

There were two new deaths in custody since the last public Board meeting: Erick Tavira, 28, who died of a suspected suicide; and Gilberto Garcia, 26, who died of a suspected overdose. DGC Cintrón Hernández expressed condolences to their family and loved ones.

DGC Cintrón Hernández expressed condolences to the families and loved ones of DOC staff who died since the last public Board meeting.

The census data as of November 1, 2022 was as follows: 2,058 individuals at AMKC; 0 in Bedford Hospital; 46 in Bellevue Hospital; 849 at EMTC; 771 at GRVC; 269 at NIC; 0 at OBCC; 334 at RMSC; 836 at RNDC; 697 at VCBC; and 82 at West Facility. Watch this portion of the video [here](#).

Department of Correction Variance Request, Public Comment, and Vote

The Department requested that visits on Thanksgiving Day, November 24, 2022, be conducted on a day schedule rather than an evening schedule. This request constituted a variance from Minimum Standard 1-09(c)(1)(i), which requires that the Department provide at least two evenings for visits on Monday through Friday, each week.

Dr. Chaplain Victoria A. Phillips speaks as the only public comment speaker on this variance. Watch this portion of the video [here](#).

Allie Robertson, DOC's Executive Director of Intergovernmental Affairs, argued on the need for the variance and answered Board Member questions on the matter.

The Thanksgiving Day variance was moved by Member Dwyane Sampson and seconded by Member Felipe Franco. The variance was approved unanimously, 7-0 (AC Ramos, and Members Cohen, Franco, Pitts, Rigterink, Sampson, and Sherman). Watch this portion of the video [here](#).

Department of Correction Update

Commissioner Molina provided updates regarding the Nunez Action Plan. On November 17th, the Department appeared in federal court for a status conference on the Nunez consent decree. Judge Swain denied Legal Aid's request for a motion on federal receivership of Rikers Island. The next status conference will be on April 27, 2023. The Department will be conferring with Legal Aid regarding the Department's 24-hour new admission clock by December 2, 2022. Watch this portion of the video [here](#).

On the topic of intake at EMTC, Commissioner Molina Central stated that the Office of Management and Analysis's planning team is working on creating an enhanced dashboard that will track critical times in the intake process to allow the Department to, more efficiently and accurately, track individuals' time at intake. Analyzing this data will allow the Department to identify the problems that slow down intake and inform solutions.

Board Member Cohen called attention to a news article published earlier in October, highlighting how staff at Rikers Island manipulated data to push back initial in-custody times for at least 17 new arrivals. The Commissioner confirmed the issue is under investigation for a disciplinary recommendation. Watch this portion of the video [here](#).

Commissioner Molina stated that the violence reduction plan continues to improve the rates of violence at RNDC. There was a 25% decrease in slashing and stabbings Department-wide during the calendar month to date. The Department has opened the Beacon programming center at GRVC: a housing unit that replicates the Peace Center amenities in RNDC, to incentivize housing units to behave for a chance to participate in the center. Additionally, the Beacon center provides programming for career technical-type educational opportunities.

Commissioner Molina stated that the Department uses lock-ins as needed to deal with issues of violence. Commissioner Molina characterized GRVC as holding the most violent adults on the island; 30% of its population is accused of murder, attempted murder, or manslaughter; and 30% has gang affiliation. As the Department moves to break gangs up, issues of disagreement flair up, and lock-ins provide an opportunity to keep people safe. According to Commissioner Molina, while lock-ins are up, the number of housing units, individuals, and the average duration of lock-ins have decreased.

DGC Cintrón Hernández called attention that from June 2022 to October 2022, GRVC had a total of 97 slashings and stabbing incidents, more than four times the rate of the next highest facility. The Commissioner argued that these indicators are the reason why lock-ins are so high. He hoped that the Beacon center will incentive good behavior.

The Commissioner described ways the Department encourages improvement in young adults at RNDC and adults at GRVC. As of the day of the meeting, individuals were out of their cells 14 hours a day at GRVC. He went into specific detail on downward trends in violence across GRVC and RNDC. Watch this portion of the video [here](#).

Staff Absenteeism and Discipline

Commissioner Molina stated that as of November 12, 2022, the daily average sick rate was 11.8%; the daily average rate of medically restrictive staff on duty had decreased from 8.9 to 6.9%. The commissioner has reviewed and issued a final determination on 2,208 disciplinary cases and has terminated 180 staff members.

The Department hired more attorneys, and, as of this meeting, continues to hire attorneys to address the volume of cases. The Early Intervention, Support, and Supervision Unit is finding ways to support all staff members who have accepted limited or full probation as part of their disciplinary process, and to encourage those under probation to improve performance.

According to Commissioner Molina, at the beginning of the day, the Department starts out, on average, with 20 floor posts that do not have staff. The Department responds by redeploying

staff from other areas to ensure those floor posts are staffed. The Commissioner explained current and future mechanisms behind redeployment and scheduling.

In the Department's original Command Discipline process, an individual could lose up to five days of vacation time. Now it has increased to 10 days. This provides enough time to allow for facility leadership to engage in the discipline process and allows for some disciplinary actions to be dealt with at the facility level, relieving such processes from the Department's trial units. Training is provided to middle management to deal with these disciplinary issues.

The Commissioner explained how the Department is using its data analysis and management skills to address double and triple shifts on Rikers.

As of this meeting, the Department had its third academy class under the Adams administration set to graduate in December. Another graduate class is scheduled for the end of February. The Commissioner explains their recruitment strategy.

Watch this portion of the video [here](#).

Update on Active Program

Deputy Commissioner Torres was sick and unable to provide a presentation. The Board recommended creating a drug prevention program with Correctional Health Services, and promoting advertisements of programs being held at Rikers. The Board also requested, that at the January meeting, the Department provide information regarding the number of persons in custody attending each program in each facility per day and/or week, and reports regarding achieved certificates and GEDs.

Notably, the Commissioner emphasized, that if a person in custody turned 22 while at RNDC, and is thriving, he would not want to transfer the individual from the facility based on age alone.

Watch this portion of the video [here](#).

Correctional Health Services Update

Dr. Patsy Yang, Senior Vice President for New York City Health and Hospitals for Correctional Health Services provided an update.

CHS does not process laboratory panels on people in custody who overdose unless the overdose results in death. Laboratory testing is being evolved to try and analyze the drugs that are being distributed illegally in Rikers. These are more difficult compounds to figure out.

CHS continues to educate its staff and patients on the appropriate use of methadone.

These are the numbers of suspected overdoses that were reversed for 2022 so far: January – 19, February – 18, March – 14, April – 16, May – 21, June – 14, July – 27, August – 19, and September – 21. Updates will follow later for the rest of 2022 months.

Dr. Yang and Commissioner Molina explained communication methods between CHS and the Department regarding overdose trends and their solutions.

Watch this portion of the video [here](#).

Reviews of Deaths in Custody

DGC Cintrón Hernández spoke on the Board's latest report on nine of the 18 so far deaths in custody this year and its recommendations. That report can be found [here](#).

Commissioner Molina stated that the Department has always had a touring wand system. Although this did not confirm whether a correctional officer had physically viewed a person in custody, it did confirm if they had been through a specific area in 30-minute intervals. Downloaders are being installed at each A station, so leadership can ensure tours are being done in real-time. This allows for inefficiencies in tours to be accurately addressed. The Commissioner explained further means of improving and monitoring tours.

Commissioner Molina further explained what the Department is doing to encourage its staff to engage with people in custody.

The Department and CHS discussed their communication standards for mental health issues in people in custody and how they addressed solutions.

The Department promised to follow up with Board Member Jacqueline Sherman regarding its system for ensuring a consistent and comprehensive review of court orders.

Public Comment

People in Custody Comments

Watch this portion of the video [here](#).

Elvin Almadova

Watch this portion of the video [here](#).

Michelle Feldman, Women's Community Justice Association

Watch this portion of the video [here](#).

Tadd Vassel, Bronx Defenders

Watch this portion of the video [here](#).

Chaplain Dr. Victoria A. Phillips, Jails Action Coalition/Visionary Ministries

Watch this portion of the video [here](#).

Roddy Richardson, COBA

Watch this portion of the video [here](#).

Cynthia Acevedo

Watch this portion of the video [here](#).

Kamaal Moore, COBA

Watch this portion of the video [here](#).

Keisha Williams, COBA

Watch this portion of the video [here](#).

Eileen Maher, Vocal NY

Watch this portion of the video [here](#).

Kayla Simpson, The Legal Aid Society

Watch this portion of the video [here](#).

Sarita Daftary, Freedom Agenda

Watch this portion of the video [here](#).

Kelly Grace Price, Close Rosie's

Watch this portion of the video [here](#).

Rachel Sznaderman, NYCDS

Watch this portion of the video [here](#).